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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,376	12/06/2001	Conrad Peter Martin	1182-44	4827

7590 03/13/2003

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EXAMINER

LEV, BRUCE ALLEN

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/010,376

Applicant(s)
Martin

Examiner
Bruce A. Lev

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3634



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 6, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

BRUCE A. LEV
PRIMARY EXAMINER

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with 112 issues and improper English. The applicant is requested to review and re-write the claims appropriately. Examples include the use of the phrase “or”, “and/or”, “is/are”, “brush(es)”, etc.

As concerns claims 1-3 and 9, there is an inconsistency between the language in the preamble and certain portions in the body of the claims, thereby making the scope of the claims unclear. For example, the preamble clearly indicates that the subcombination of a “flyscreen” is being claimed with the functional recitation of the “flyscreen” being used “to be slidingly deployed across an opening of a window or door”. However, the body of the claim positively recites the “window or door”, e.g., “correspond to the dimensions of the window or door opening” (claim 1), passes...over..the pane of the window or door” (claim 1), which indicates the claims as being drawn to a combination of the “flyscreen” and the “window or door”. Therefore, the applicant is required to clarify what the claims are intended to be drawn to, i.e., either the “flyscreen” alone or in combination with the “window or door”, and to present the claims with the language which is

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consistent with the invention. The applicant should note that “*adapted to be*” language may be appropriate if claiming the “flyscreen” alone (i.e., “adapted to be secured to”).

As concerns claim 6, the phrase “the frame” lacks antecedent basis and therefore renders the claim as vague and indefinite.

As concerns claim 9, the phrase “roller screen *type*” is vague and indefinite. Further, the phrase “the flyscreen assembly” lacks antecedent basis and therefore renders the claim as vague and indefinite.

As concerns claim 10, the phrase “the bar(s)” lacks antecedent basis since only one has been set forth and therefore renders the claim as vague and indefinite. Further, the phrase “or other fastening means” is vague and indefinite. Finally, the phrase “Velcro TM” should read --VELCRO--.

As concerns claims 13 and 14, the phrase “brush means” is vague and indefinite. A more appropriate phrase may be “rows of brushes”.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1, 3-12, are rejected under 35 U.S.C. 102(b) as being anticipated by *Kissinger 6,082,432*.

As concerns claims 1, 6-8, Kissinger sets forth a flyscreen comprising a frame (inclusive of member 28), a mesh screen 15 (slidable) across the frame; wherein the frame has brush members 35 and 36.

As concerns claims 3-5, Kissinger sets forth the frame including lips (viewed as the flange portions extending from member 28).

As concerns claim 9, Kissinger sets forth the screen, as advanced above, including a roller 16; guide rails (inclusive of member 28); and a gripping bar (viewed as the top edge member of the screen and held by members 30 and 31).

As concerns claim 10, Kissinger sets forth fastening means 30 and 31 to grip the screen in place.

As concerns claim 11, Kissinger sets forth a drawstring (viewed as member 26).

As concerns claim 12, Kissinger sets forth a bar 25.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Kissinger*.

Kissinger sets forth the screen, as advanced above, except for the mating brush on the screen. However, the examiner takes the position that it would have merely been a *duplication of parts* to provide a mating brush member upon the screen member in order to increase the pressure between the members and the brushes, and thereby increase the ability of the members to block movement of air or insect through the screen and frame members.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Kissinger*.

Kissinger sets forth the screen, as advanced above, except for the brushes upon the roller cassette. However, the examiner takes the position that it would have merely been a *duplication of parts* to provide brush members upon the roller cassette in order to prevent dirt and insects from entering the roller cassette.

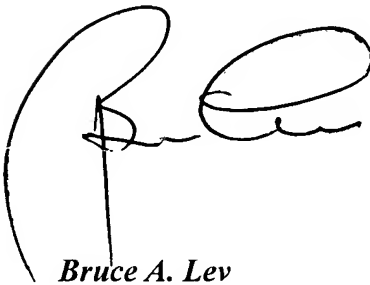
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

March 6, 2003

A handwritten signature in black ink, appearing to read "Bruce A. Lev". The signature is stylized with a large, sweeping "B" and "L".

Bruce A. Lev

Primary Examiner

Group 3600